

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

LILLEBABY, LLC,

Plaintiff,

vs.

BABYSWEDE LLC, *et al.*,

Defendants.

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Case No. 1:19-cv-504

OPINION & ORDER
[Resolving Doc. 9]

JAMES S. GWIN, UNITED STATES DISTRICT JUDGE:

Plaintiff LILLEbaby, LLC makes and sells adaptable baby carriers.¹ It claims to own two patents for such carriers.²

Alleging that Defendants BabySwede LLC, BabyBjorn AB, and BabyBjorn, Inc. infringed upon these patents through competing products, LILLEbaby filed this case.³ It also filed a complaint with the U.S. International Trade Commission (the “ITC”) about the same conduct.⁴

On April 4, 2019, the ITC began an investigation under Section 337 of the Tariff Act of 1930 into Plaintiff’s allegations (Investigation No. 337-TA-1154).⁵ Among others, the ITC named the Defendants in this case as respondents.⁶

Defendants BabyBjorn AB and BabyBjorn, Inc. now move to stay the case pending the ITC investigation’s conclusion.⁷

¹ Doc. 1 ¶ 15.

² U.S. Patent Nos. 8,172,116 and 8,424,732. *Id.* ¶¶ 19–25.

³ *Id.* ¶¶ 32–45.

⁴ Certain Child Carriers and Components Thereof; Institution of Investigation, 84 Fed. Reg. 14393–94 (April 10, 2019).

⁵ *Id.*

⁶ *Id.*

⁷ Doc. 9. Neither Plaintiff nor Defendant BabySwede LLC oppose.

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Gwin, J.

Under 28 U.S.C. § 1659(a), the Court must stay a case that involves the same issues and parties as those involved in an ITC Section 337 investigation, when a respondent to that investigation requests a stay. Such request must be made within thirty days of either the case being filed, or the movant being named as a respondent in the ITC investigation.⁸

Here, the parties to this case are also parties to the ITC investigation. This case and the investigation involve alleged infringement of the same patents. And the movants filed their motion to stay within thirty days of being named respondents in that investigation.

Thus, the Court **GRANTS** Defendants BabyBjorn AB and BabyBjorn, Inc.'s motion to stay. Accordingly, this action is **STAYED** pending final resolution of ITC Investigation No. 337-TA-1154.

IT IS SO ORDERED.

Dated: May 22, 2019

s/ James S. Gwin
JAMES S. GWIN
UNITED STATES DISTRICT JUDGE

⁸ 28 U.S.C 1659(a)(1)–(2).